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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Zhu) Art Unit: 2143
Serial No.: 09/840,328) Examiner: Lezak
Filed: April 23, 2001) 50P4402.01
For: IP-BASED ARCHITECTURE FOR MOBILE COMPUTING NETWORKS) June 27, 2005 750 B STREET, Suite 3120 San Diego, CA 92101)

REPLY BRIEF

Commissioner of Patents and Trademarks
Washington, DC 20231

Dear Sir:

This brief replies to the Examiner's Answer dated June 3, 2005, which makes Appellant's case on the bottom of page 10. Specifically, the examiner once again betrays the fallacy of the *prima facie* case by again placing on the record that foreign agents are being extrapolated from a teaching that says nothing about them but rather discusses only multiple networks, with the unsupported extrapolation being based on an allegedly "well known" property for which no evidence of record has been adduced, much less that the allegedly well-known property is indeed so in the particular context claimed. This fundamental disregard for the proper legal standard by itself is reason for reversal.

The Answer concludes with an allegation related to "Appellant's excessively broad claim language". What is excessively broad are the not the claims, which require several things such as subnet controllers and, e.g., the limitations of claims 3 and 15 that do not exist in the relied-upon references, but rather the examiner's interpretations of the claims, which have become unhinged from the standard of MPEP §2111.01

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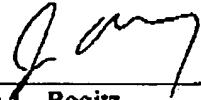
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(claims can be interpreted only so broadly as the skilled artisan would interpret them). It simply will not do, no matter how frustrating it can be to properly render a *prima facie* case of obviousness, to air brush limitations, e.g., subnet controllers, out of the claims by interpreting them so broadly as to eviscerate their meaning. For example, if evidence had been adduced that the skilled artisan regards NOCs such as are taught in Siu to be subnet controllers, that would be something - but no such evidence exists on the record.

The Answer continues to allude to secondary references that are irrelevant, since, as admitted on the record, Answer, page 2, part 6, they have not been cited in the grounds for rejection.

Respectfully submitted,


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